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December 22, 2003

US EPA RECORDS CENTER REGION 5



464046

VIA FEDERAL EXPRESS

Deena Sheppard-Johnson
U.S. Environmental Protection Agency
Remedial Enforcement Support Section
77 West Jackson Blvd.
Chicago, IL 60604

RE: Chemical Recovery Systems Site, Elyria, Ohio

Dear Ms. Sheppard-Johnson:

On November 13, 2003, Beazer East, Inc. received a Request for Information ("Request") addressed to "Beazer East, Inc. F/K/A Parr, Inc./Koppers & Co. Inc." from the United States Environmental Protection Agency ("U.S. EPA") regarding the Chemical Recovery Systems Site in Elyria, Ohio ("Site" or "CRS Site"). Pursuant to my correspondence to Tom Nash, Esquire on November 20, 2003, an extension of time to submit a response until December 23, 2003 was memorialized.

As a preliminary matter, it should be noted that U.S. EPA's Request was improperly directed to "Beazer East, Inc. F/K/A Parr, Inc./Koppers & Co. Inc." It is our understanding that the United States believes that materials from one or more facilities owned by Parr, Inc. may have been transported to the CRS Site during its years of operation. For your information, Parr, Inc. was the former wholly-owned subsidiary of Koppers Company, Inc. (now known as Beazer East, Inc.), and after a number of name changes, dispositions and corporate reorganizations, ultimately became Beazer Subsidiary XVIII, Inc. in or around 1991. Accordingly, Beazer Subsidiary XVIII, Inc. is the proper respondent to this Request, and is providing the following responses based upon information that is presently available to it after a reasonable investigation and inquiry.

General Objections

Respondent objects to the Request, including without limitation the instructions and definitions, on the grounds that the Request is overly broad, burdensome, duplicative, vague, calls for information not relevant to the above captioned Site, and calls for information beyond the scope of what is authorized under 42 U.S.C. §9604(e). Furthermore, Respondent objects to the Request to the extent it is leading, assumes extrinsic facts, and/or calls for or makes legal conclusions. Respondent further

objects to the Request to the extent that it seeks information that may be protected from disclosure as confidential and/or proprietary business information, attorney work product, attorney-client communication, or other applicable privilege.

Without waiving, limiting, or otherwise prejudicing the foregoing objections, and while reserving all rights and defenses that it may have with respect to this matter, Respondent provides this response to the Request. The foregoing objections are incorporated into each of the responses below, as if fully set forth therein.

Responses

1. Identify all persons consulted in the preparation of the answers to these questions.

Persons consulted in connection with responding to this Request for Information include Three Rivers Management, Inc.'s Law Department and outside counsel.

2. Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions and provide copies of all such documents.

To respond to this Request, a search and investigation of business records retained in a document repository of Respondent's parent corporation, Beazer East, Inc. was conducted. Records held in such repository include purchasing and accounting records, invoices, real estate documents and other business records. After reasonable investigation and inquiry, no documentation relevant to the CRS Site was found. Two documents are being produced in response to Request No. 7, indicating that two shipments of material may have been transported from Parr, Inc.'s Syracuse Avenue facility in Cleveland, Ohio to Chemical Recovery Systems-Michigan located at 36345 Van Born Road, Romulus, Michigan. In addition, Articles of Incorporation and By-Laws of Respondent will be made available for review upon request in response to Request No. 12(a).

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons.

Prior to December of 1977, Parr, Inc. was owned by wholly separate and unrelated entities, including an entity now known as ECH, Inc. In December of 1977, the assets of Parr, Inc. were acquired by a wholly-owned subsidiary of Koppers Company, Inc. and, subsequently, this wholly-owned subsidiary changed its name to Parr, Inc. Representatives of these predecessors may be able to provide additional information responsive to U.S. EPA's questions, but their whereabouts are unknown to Respondent.

4. List the EPA Identification Numbers of the Respondent.

Respondent is not an operating corporation and, as such, does not have a current EPA I.D. Number. Parr, Inc. owned two facilities in Ohio during portions of the relevant timeframe. The EPA I.D. Number for the former Parr, Inc. facility located on Syracuse Avenue in Cleveland, Ohio was OH0004179180. Parr, Inc. also operated a facility located on Denison Avenue in Cleveland, Ohio. At some point in time, the Dennison Avenue facility had an EPA I.D. Number of OH060431947, although it is unclear whether this number was issued during the timeframe that the CRS Site was in operation.

5. Identify the acts or omissions of any person, other than your employees, contractors, or agents that may have caused the release or threat of release of hazardous substances, pollutants or contaminants and damages resulting therefrom at the CRS Site.

After reasonable investigation and inquiry, Respondent is not aware of any acts or omissions described in Request No. 5.

6. Identify all persons, including Respondent's employees, who have knowledge or information about generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site (operating as Obitts Chemical Company or Chemical Recovery Systems, Inc. at 142 Locust Street, Elyria, Ohio).

Respondent is not aware of any persons who have knowledge or information regarding the subjects identified in Request No. 6.

7. Describe all arrangements that Respondent may have or may have had with each of the following companies and persons:

- a. Obitts Chemical Company
- b. Russell Obitts
- c. Chemical Recovery Systems, Inc.
- d. Peter Shagena
- e. James Freeman
- f. James "Jim" Jackson
- g. Donald Matthews
- h. Bob Spears
- i. Bill Bromley
- j. Carol Oliver
- k. Nolwood Chemical Company, Inc.
- l. Art McWood
- m. Chuck Nolton
- n. Michigan Recovery Systems, Inc.

o. Chemical Recovery Systems of Michigan

With the following exception, Respondent is not aware of any arrangements that Parr, Inc. had or may have had with the companies or persons listed in Request No. 7.

Waste Manifests identified during the investigation indicate that the Parr, Inc. facility located on Syracuse Avenue in Cleveland, Ohio sent certain materials to a Chemical Recovery Systems facility located at 36345 Van Born Road, Romulus, Michigan on September 29, 1981 and October 9, 1981. Copies of these documents are attached to this Response as Documents 0001-0002.

8. Set forth the dates during which the Respondent engaged in any of the following activities:
- a) generation of hazardous materials which were sent to the CRS Site;
 - b) transportation of any material to the CRS Site.

After reasonable investigation and inquiry, Respondent is not aware of any information regarding the generation or transportation of hazardous materials to the CRS Site.

9. Identify all persons, including yourself, who may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of materials, including, but not limited to, hazardous substances, at the CRS Site. In addition, identify the following:
- a) The persons with whom you or such other persons made such arrangements;
 - b) Every date on which such arrangements took place;
 - c) For each transaction, the nature of the material or hazardous substance, including the chemical content, characteristics, physical state (e.g. solid, liquid), and the process for which the substance was used or the process which generated the substance;
 - d) The owner of the materials or hazardous substances so accepted or transported;
 - e) The quantity of the materials of hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;
 - f) All tests, analyses, and analytical results concerning the materials;
 - g) The persons(s) who selected the CRS Site as the place to which the materials or hazardous substances were to be transported;
 - h) The amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;
 - i) Where the person identified in g., above, intended to have such hazardous substances or materials transported and all evidence of this intent;

- j) Whether the materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;
- k) What was actually done to the materials or hazardous substances once they were brought to the CRS Site;
- l) The final disposition of each of the materials or hazardous substances involved in such transactions;
- m) The measures taken by you to determine the actual methods, means, and site of treatment or disposal of the material and hazardous substance involved in each transaction;
- n) The type and number of containers in which the materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the CRS Site, and all markings on such containers;
- o) The price paid for (i) transport, (ii) disposal, or (iii) both of each material and hazardous substance;
- p) All documents containing information responsive to a-o above, or in lieu of identification of all relevant documents, provide copies of all such documents;
- q) All persons with knowledge, information, documents responsive to a-p above.

After reasonable investigation and inquiry, Respondent is not aware of any information regarding possible transactions with the CRS Site as set forth in Request No. 9.

10. Identify all liability insurance policies held by Respondent from 1960 to the present. In identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

For certain years, Respondent was covered by insurance policies issued to its parent, Beazer East, Inc. Litigation pertaining to whether those policies provided coverage for environmental sites has been settled. Therefore, there are no insurance policies available to satisfy this claim.

11. Provide copies of all income tax returns, including all supporting schedules, sent to the Federal Internal Revenue Service in the last five years.

Respondent is not an operating corporation and as such has not prepared any independent income tax returns during the last five years.

12. If Respondent is a Corporation, respond to the following requests:

- a) Provide a copy of the Articles of Incorporation and By-Laws of the Respondent;
- b) Provide Respondent's financial statements for the past five fiscal years, including but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;
- c) Identify all of Respondent's current assets and liabilities and the person(s) who currently own or is responsible for such assets and liabilities;
- d) Identify the Parent Corporation and all Subsidiaries of the Respondent.

a) The Articles of Incorporation and By-Laws of Respondent will be made available for review upon request at the offices of the undersigned.

b) With respect to information requested in 12(b), Respondent is an inactive corporation, and does not prepare its own independent financial statements or similar information.

c) With respect to information requested in 12(c), as noted above, Respondent is an inactive corporation, and does not prepare its own independent balance sheet or similar financial documentation.

d) Respondent is the wholly-owned subsidiary of Beazer East, Inc., c/o Three Rivers Management, Inc., One Oxford Centre, Suite 3000, Pittsburgh, Pennsylvania. There are no subsidiaries of Respondent.

13. If Respondent is a Partnership, respond to the following Requests:

- a) Provide copies of the Partnership Agreement;
- b) Provide Respondent's financial statements for the past five fiscal years, including but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;
- c) Identify all of Respondent's current assets and liabilities and the person(s) who currently own or is responsible for such assets and liabilities;

d) Identify all Subsidiaries of the Respondent.

Respondent is not a Partnership, and therefore no response to Request No. 13 is required.

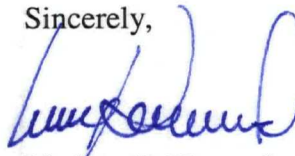
14. If Respondent is a Trust, respond to the following requests:

- a) Provide all relevant agreements and documents to support this claim;
- b) Provide Respondent's financial statements for the past five fiscal years, including but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;
- c) Identify all of Respondent's current assets and liabilities and the person(s) who currently own or is responsible for such assets and liabilities.

Respondent is not a Trust, and therefore no response to Request No. 14 is required.

Should you have any questions regarding this matter, please feel free to contact me at the telephone number listed above.

Sincerely,



Lindsay P. Howard

WASTE DISPOSAL MANIFEST

☐ Act 64 Waste (HAZARDOUS)☐ Act 136 Waste (OTHER)

MI 0043008

REV. 3/01

IDENTIFICATION	Generator's Name FAIR INC. EAST	Primary Transporter's Name Chemical Recovery Systems	Treatment, Storage or Disposal Facility Chemical Recovery Systems
	Site Address 13400 SYRACUSE AVE. CLEVELAND, OHIO 44110	Transporter's Address 36345 Van Born Rd. Romulus Mich.	Facility Address 36345 Van Born Rd. Romulus Mich.
	Phone Number (216) 692-1000	Phone Number (313) 326-3100	Phone Number (313) 326-3100
	Generator's Site EPA I.D. Number OH 00041173180	Transporter's EPA I.D. Number MI 1060975844	Facility Site EPA I.D. Number MI 1060975844

If more than one Transporter is to be utilized, give the Name and EPA I.D. Number of each:

LOT NO.	U.S. D.O.T. Shipping Name	D.O.T. Hazard Class	U.N./N.A. No.	Haz. Class Code	Container		Form				Weight or Volume	Units	Hazardous Waste Number
					No.	Type	Solid	Liquid	Gas	Sludge			
1.	FLAMMABLE LIQUID ALD-S.	Flammable Liquid	UN 1993	4	THK.						1601010	Gals.	01074
2.													
3.													
4.													
5.													
6.													

COMMENTS	Include Safety precautions and special handling instructions.
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GENERATOR CERTIFICATION: I certify that the above named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation and U.S. EPA. I further certify that the information contained on the manifest is factual. I understand that the failure to accurately report all information requested by the manifest constitutes a violation of 1979 PA64 and/or PA136. I further understand that this manifest may be used in administrative and court proceedings.	Generator Signature G. Barclay	Date Shipped MO. DAY YEAR 9 29 81
---	--	--

HAULER'S CERTIFICATION: I certify acceptance of the above identified wastes for transportation. I further certify that I shall deliver the hazardous wastes, together with this manifest, only to the destination specified by the generator on this manifest. I understand that this manifest can be used in administrative and court proceedings.	Transporter Vehicle I.D. No. No. 1	Transporter Signature Donald [Signature]	Date(s) Received 9 29 81
	Subsequent Transporter Vehicle I.D. No's	Subsequent transporter(s) signature(s)	

If the shipment cannot be delivered, describe the reasons for non-delivery.

TSDf CERTIFICATION: I certify receipt at this facility of the above identified wastes and that this facility is licensed to accept those wastes. I also certify that the wastes were accompanied by a manifest properly certified by both the generator and hauler and that this facility is the destination indicated on the manifest. I understand that this manifest can be used in administrative and court proceedings.	TSDf Signature [Signature]	Facility Site EPA I.D. Number	<input type="checkbox"/> Accepted <input type="checkbox"/> Rejected	Date Received
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Describe any significant discrepancies between manifest and shipment.

ALL MUST BE REPORTED TO THE MICHIGAN POLLUTION EMERGENCY ALERTING SYS AT 800-294-4706, 24 HOURS PER DAY AND TH

MDNR 1ST COPY

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WASTE DISPOSAL MANIFEST

☐ Act 64 Waste (HAZARDOUS)☐ Act 136 Waste (OTHER)

MI 0043092

IDENTIFICATION	Generator's Name FARR INC.	Primary Transporter's Name CHEMICAL RECOVERY SYSTEMS	Treatment, Storage, or Disposal Facility CHEMICAL RECOVERY SYSTEMS
	Site Address 18400 SYRACUSE AVE. CLEVELAND OHIO 44110	Transporter's Address 36345 VAN BORN RD. ROMULUS MICH.	Facility Address 36345 VAN BORN RD. ROMULUS MICH.
	Phone Number (216) 692-1000	Phone Number (313) 326-3100	Phone Number (313) 326-3100
	Generator's Site EPA I.D. Number OHID1904117191159	Transporter's EPA I.D. Number MI1D101610917518414	Facility Site EPA I.D. Number MI1D101610917518414

If more than one Transporter is to be utilized, give the Name and EPA I.D. Number of each:

GENERATOR COMPLETES

LOT NO.	U.S. D.O.T. Shipping Name	D.O.T. Hazard Class	U.N./N.A. No.	Haz. Class Code	Container		Form				Weight or Volume	Units	Hazardous Waste Number
					No.	Type	Solid	Liquid	Gas	Sludge			
1.	FLAMMABLE LIQUID N.O.S.	FLAMMABLE LIQUID	UN1993	1	TN			✓			141010 GALS	0101715	
2.													
3.													
4.													
5.													
6.													

COMMENTS	Include Safety precautions and special handling instructions.

GENERATOR CERTIFICATION: I certify that the above named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation according to the applicable regulations of the Department of Transportation and U.S. EPA. I further certify that the information contained on the manifest is factual. I understand that the failure to accurately report all information requested by the manifest constitutes a violation of 1979 PA64 and/or PA136. I further understand that this manifest may be used in administrative and court proceedings.	Generator Signature ① <i>Mike [Signature]</i>	Date Shipped MO. DAY YEAR 10 9 15/
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HAULER'S CERTIFICATION: I certify acceptance of the above identified wastes for transportation. I further certify that I shall deliver the hazardous wastes, together with this manifest, only to the destination specified by the generator on this manifest. I understand that this manifest can be used in administrative and court proceedings.	Transporter Vehicle I.D. No. No. 1 2345 AM Subsequent Transporter Vehicle I.D. No's	Transporter Signature ② <i>[Signature]</i> Subsequent transporter(s) signature(s) ③	Date(s) Received 10 10 98/
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If the shipment cannot be delivered, describe the reasons for non-delivery.

TSDF CERTIFICATION: I certify receipt at this facility of the above identified wastes and that this facility is licensed to accept those wastes. I also certify that the wastes were accompanied by a manifest properly certified by both the generator and hauler and that this facility is the destination indicated on the manifest. I understand that this manifest can be used in administrative and court proceedings.	TSDF Signature ④ Facility Site EPA I.D. Number	<input type="checkbox"/> Accepted <input type="checkbox"/> Rejected	Date Received
---	--	--	---------------

Describe any significant discrepancies between manifest and shipment.

ALL 13 MUST BE REPORTED TO THE MICHIGAN POLLUTION EMERGENCY ALERTING SYSTEM AT 800-294-4706, 24 HOURS PER DAY AND 7

MDNR 1ST COPY

0002

From: Lindsay Howard (412)394-5400
Babst Calland Clements & Zomnir, PC
Two Gateway Center

Pittsburgh, PA, 15222

REVENUE BARCODE

**FedEx**

To: Deena Sheppard-Johnson (000)000-0000
U.S. EPA
Remedial Enforcement Support Sectio
77 West Jackson Blvd.
Chicago, IL, 60604

SHIP DATE: 22DEC03
WEIGHT: 1 LBS

Ref: 7777.13729.101



DELIVERY ADDRESS BARCODE(FEDEX-EDR)

TRK # 7923 9661 6412 FORM 0201

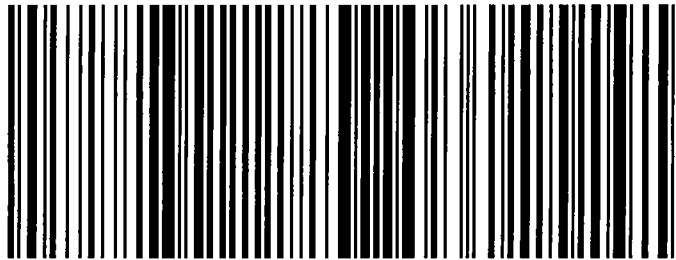
FedEx PRIORITY OVERNIGHT

ORD

TUE
A1

Deliver by:
23DEC03

60604-IL-US

NB CHIA

Shipping Label: Your shipment is complete

[Cancel shipment](#)[Edit shipment information](#)[Process another shipment](#)[Repeat last shipment](#)[Go to next steps](#)

1. Use the 'Print' feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value; pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.